

ORDINANCE NO. 12-49

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE II. DEPARTMENTS, OFFICES AND DIVISIONS, OF THE CODE OF ORDINANCES BY AMENDING DIVISION 12. COMMUNITY DEVELOPMENT DEPARTMENT ; AMENDING AND TO CONSOLIDATE THE EXISTING WATER AND SEWERS DEPARTMENT AND SOLID WASTE DEPARTMENT AS DIVISIONS WITHIN A NEWLY-CREATED DEPARTMENT OF PUBLIC WORKS UNDER THE SUPERVISION OF A DIRECTOR OF PUBLIC WORKS; AND CONVERT THE RISK MANAGEMENT DIVISION TO THE RISK MANAGEMENT DEPARTMENT AND RENAME DIVISION 19. RISK MANAGEMENT DIVISION TO RISK MANAGEMENT DEPARTMENT; AND PROVIDING MISCELLANEOUS REVISIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose of this ordinance is to consolidate the existing water and sewers department and the solid waste department as divisions within a newly-created department of public works under the supervision of a director of public works; rename the licensing division as the local business tax division and convert the risk management division to the risk management department.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Division 12. Community Development Department and Division 19. Risk Management Division, by adding a new Division 6. Entitled "Public Works Department" and eliminating the existing Division 6 entitled "Water and Sewers Department" and Division 10 entitled "Solid Waste Department", to read as follows:

Chapter 2

ADMINISTRATION

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**ARTICLE II. DEPARTMENTS, OFFICES
AND DIVISIONS**

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**DIVISION 6. PUBLIC WORKS
DEPARTMENT**

Sec. 2-158. Created.

There is created and established a water and sewers department.

Sec. 2-159. Director of public works; duties of director and department.

(a) The director of public works shall be the administrative head of the water and sewers division and the solid waste division, which includes the immediate direction and control of the personnel within the department. Subject to supervision of the mayor, the director shall have the general supervision over and shall be responsible for the operation and maintenance of the water

distribution and sanitary sewer collection systems of the city. Subject to the supervision of the mayor, the director shall have general supervision over and shall be responsible for the operation and maintenance of the recycling, solid waste and garbage collection and disposal system of the city.

Sec. 2-160. Divisions.

Divisions in the public works department shall be as follows:

(1) *Water and sewers division.* The director of water and sewers, under the immediate supervision of the public works director, shall supervise the water and sewers division. The responsibilities of the water and sewer division shall include but shall not be limited to design, construction, operation and maintenance of water mains and lines, waterworks, sanitary sewer lines and water and sewage treatment plants.

(2) *Solid waste division.* The superintendent of solid waste, under the immediate supervision of the public works director, shall supervise the solid waste division. The responsibilities of the solid waste division for the operation and maintenance of the recycling and solid waste and garbage collection and disposal system of the city.

Sec. 2-161. Power to establish and fix rates and charges reserved to city council.

The city council shall have the authority to establish and fix rates and charges for water and sanitary sewer service furnished by the water distribution and sanitary sewer collection system of the city.

**DIVISION 6. WATER AND SEWERS
DEPARTMENT**

Sec. 2-176. Created.

There is created and established a water and sewers department.

~~Sec. 2-177. Director of water and sewers; duties of director and department.~~

~~(a) The director of the water and sewers department shall be the administrative head of the water and sewers department that includes the immediate direction and control of the personnel within the department. Subject to the supervision of the mayor, the director shall have general supervision over and shall be responsible for the operation and maintenance of the water distribution and sanitary sewer collection systems of the city.~~

~~(b) Responsibilities of the water and sewers department shall include but shall not be limited to design, construction, operation and maintenance of water mains and lines, waterworks, sanitary sewers and water and sewage treatment plants.~~

~~Sec. 2-178. Power to establish and fix rates and charges reserved to city council.~~

~~The city council shall have the authority to establish and fix rates and charges for water and sanitary sewer service, furnished by the water distribution and sanitary sewer collection system of the city.~~

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~~DIVISION 10. SOLID WASTE DEPARTMENT~~

~~Sec. 2-296. Created.~~

~~There is created and established a solid waste department.~~

~~Sec. 2-297. Director of solid waste.~~

~~The director of the solid waste department shall be the administrative head of the department, which includes the immediate direction and control of the personnel within the department. Subject to the supervision of the mayor, the director shall have the general supervision over and shall be responsible for the operation and maintenance of the solid waste and garbage disposal system of the city.~~

~~DIVISION 11. GRANTS AND~~

HUMAN SERVICES

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DIVISION ~~12~~ 11. COMMUNITY DEVELOPMENT

Sec. 2-356. Created.

There is created and established a community development department.

Sec. 2-357. Director; duties of director and department.

(a) The director shall be the administrative head of the community development department. Subject to the supervision of the mayor, the director shall administer the affairs of the community development department and supervise the building, planning, code compliance and ~~licensing~~ local business tax divisions within the department.

(b) Responsibilities of the community development department shall include but shall not be limited to implementing zoning and land use regulations in the city, preparing comprehensive plans for future development and permitting and inspecting building construction or alteration for compliance with applicable building codes, rules and regulations, code enforcement, ~~occupational licensing~~ issuance and collection of business tax receipts and related functions.

Sec. 2-358. Divisions.

Divisions in the community development department shall be as follows:

- (1) *Building.* The building official shall supervise the building division.
- (2) *Planning.* The planning and zoning official shall supervise the planning division.
- (3) *Code compliance.* The code compliance official

shall supervise the code compliance division. The code compliance official shall enforce the provisions of this Code with a view towards compliance with the technical standards and codes of the city through administrative hearing and citation procedures.

(4) ~~Licensing~~ Local business tax division. The ~~licensing official or local business tax~~ administrator shall supervise the ~~licensing local business tax~~ division. The ~~licensing local business tax~~ division shall administer the issuance and collection of the local business tax ~~occupational licensing~~ and ~~certain activities in the city related activities~~.

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DIVISION ~~4918~~. RISK MANAGEMENT
~~DIVISION~~DEPARTMENT

Sec. 2-536. Created.

There is created and established a risk management ~~division~~ department.

Sec. 2-537. Risk manager.

Subject to the supervision of the mayor, the risk manager shall have the administrative head of the risk management ~~division~~ department. The risk manager shall be charged with the responsibility to administer the general liability risk management program that includes but is not limited to general liability and worker's compensation claims, settlement of claims and a loss prevention and safety program. The risk manager shall administer the health and life insurance and worker's compensation insurance program. The risk manager shall administer the city's comprehensive insurance program.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

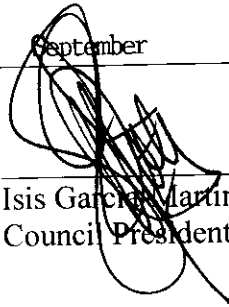
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

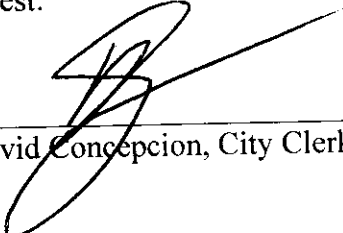
PASSED AND ADOPTED this 11 day of September, 2012.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

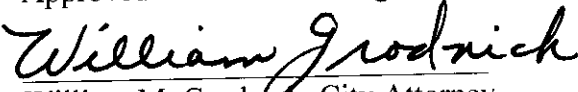
Attest:

Approved on this 13 day of September, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Council Members, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".